



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
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**DIRECTOR'S OFFICE
TECHNOLOGY CENTER 3600**

Edmund Kwan
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Cupertino, CA 95014

Paper No. 7

In re application of	:	DECISION ON PETITION
Edmund Ming Kwan	:	TO MAKE SPECIAL
Application No. 10/071,768	:	(MANUFACTURE)
Filed: February 7, 2002		
For: BILLING METHOD AND SYSTEM		
FOR COLLABORATION SOLUTIONS		

This is a decision on the petition under 37 C.F.R §1.102(d) filed May 10, 2002 to make the above-identified application special. The petition requests that the above-identified application be made special under the procedure set forth in MPEP 708.02, item I: Prospective Manufacture.

The petition is **DENIED**.

MPEP 708.02 states that a Petition to Make Special based on Prospective Manufacture must have the following: (1) the appropriate petition fee under 37 CFR 1.17(i); (2) a statement by the assignee, applicant, or attorney alleging: (A) the possession by the prospective manufacturer of sufficiently available capital (stating approximately the amount) and facilities (stating briefly the nature thereof) or that sufficiently available capital and facilities will be made available upon grant of a patent, with the proviso that if the prospective manufacturer is an individual a corroborating statement from a responsible party is required; (B) that the prospective manufacturer will not begin or increase production unless certain that the patent will be granted; (C) that the prospective manufacturer obligates themselves to manufacture the invention in the U.S. in quantity immediately upon the allowance of claims or issuance of a patent which will protect the investment of capital and facilities; and (D) that he or she has made a careful and thorough search of the prior art, or has good knowledge of the prior art, and has sent a copy of the references deemed most closely related to the subject matter encompassed by the claims.

The petition filed May 10, 2002 includes all of the requirements above except fully meeting items (A) and (C). With regard to both items, a problem stems from the fact that the applicant is claiming a method or system of doing business. As such, there is nothing to "manufacture". One cannot be obligated to manufacture in the future, or state the nature of the facilities to manufacture, something that has no physical presence. The petition does talk about incorporating the inventive method into software, and while software arguably may be considered "manufactured", applicant is not claiming software. Further with regard to item (A), the nature of any manufacturing facilities is not stated.

Any request for reconsideration must be filed within TWO MONTHS of the date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Should petitioner desire reconsideration, he should supplement this petition by a declaration or statement giving the information as outlined above. Petitioner should promptly submit such a renewed petition to the Commissioner of Patents and Trademarks, Washington, D.C. 20231. The envelope should indicate that the correspondence be brought to the attention of Technology Center 3600.



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snm/snm : 6/12/02